

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

KELLY KNIGGE

Plaintiff,

VS.

BANK OF AMERICA CORP. and
BAC HOME LOANS SERVICING, L.P.

Defendants.

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CASE NO. 4:11cv295

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

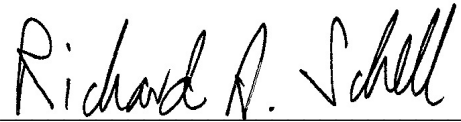
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 27, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss (Dkt. 6) be DENIED in part and GRANTED in part and that Plaintiff be permitted to proceed with her claims of negligent/fraudulent misrepresentation and TDCA violations.

The court, having made a *de novo* review of the objections raised by Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Defendants' Motion to Dismiss (Dkt. 6) is DENIED in part and GRANTED in part, and Plaintiff may proceed with her claims of negligent/fraudulent misrepresentation and TDCA violations.

IT IS SO ORDERED.

SIGNED this the 30th day of March, 2012.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE